

REMARKS

In the Final Office Action of January 15, 2008, the drawings were objected to “because rectangular boxes shown in the drawings of Figure 1 should be provided with descriptive text labels.” However, the Office Action on page 13 states that the objection to the drawings has been withdrawn. The specification has also been objected to for apparently not following the suggested guidelines for the specification of a utility application. In addition, claims 1, 3, 6 and 7 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Number 6,963,270 (hereinafter “Gallagher, III et al.”). Furthermore, claims 4, 5, 8-12 and 13-16 were rejected under 35 U.S.C. 102(a) as allegedly being unpatentable in view of Gallagher, III et al., U.S. Patent Application Number 2002/0024423 A1 (hereinafter “Kline”), U.S. Patent Number 5,929,779 (hereinafter “MacLellan et al.”), and/or European Patent Application Number EP 0513507 B2 (hereinafter “Iijima”).

With respect to the drawing objection, Applicants believe that the drawing objection has been withdrawn. If not, Applicants respectfully note that the drawing requirements for U.S. National Stage applications are identified in MPEP 1825 and providing descriptive text labels is not required under PCT Rule 11.11. Further, MPEP 1893.03(f) states that “[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11).” In view of the above, Applicants respectfully assert that providing descriptive text labels is not required in the current application and request that the drawing objection be withdrawn.

With respect to the specification objection, Applicants respectfully decline to add the section headings because the suggestions provided in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for Applicants’ use. The section headings are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant

Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

“Section 1.77 is permissive rather than mandatory. … 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77.”

In view of the above, Applicants respectfully decline to amend the specification to include the suggested section headings and request that the specification objection be withdrawn.

With respect to the rejection of claims 1 and 3-16, Applicants have amended the independent claims 1, 8 and 13 to more clearly distinguish the claimed invention from the cited references of Gallagher, III et al., MacLellan et al. and Iijima. As amended, Applicants respectfully assert that the independent claims 1, 8 and 13 are neither anticipated by the cited reference of Gallagher, III et al. nor obvious in view of Gallagher, III et al., MacLellan et al. and/or Iijima, as explained below. In view of the claim amendments and the following remarks, Applicants respectfully request the allowance of pending claims 1 and 3-16.

A. Patentability of Amended Independent Claims 1, 8 and 13

As amended, the independent claim 1 recites in part “*the desired communication mode of the ID communication partner device being one of a Reader Talks First (RTF) mode and a Tag Talks First (TTF) mode when the recognition result signal indicates the absence of the mode activation signal, the desired communication mode of the ID communication partner device being the other of the RTF mode and the TTF mode when the recognition result signal indicates the presence of the mode activation signal*,” which is not disclosed in the cited references of Gallagher, III et al., MacLellan et al. and Iijima. Thus, the amended independent claim 1 is not anticipated by the cited reference of Gallagher, III et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

None of the cited references of Gallagher, III et al., MacLellan et al. and Iijima discloses a method for activating a desired communication mode of an ID communication partner device from a group of possible communication modes in which “*the desired communication mode of the ID communication partner device being one of a Reader Talks First (RTF) mode and a Tag Talks First (TTF) mode when the recognition result signal indicates the absence of the mode activation signal*” and “*the desired communication mode of the ID communication partner device being the other of the RTF mode and the TTF mode when the recognition result signal indicates the presence of the mode activation signal*,” as recited in the amended independent claim 1. Thus, the amended independent claim 1 is not anticipated by the cited reference of Gallagher, III et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

The amended independent claims 8 and 13 include limitations similar to those of the amended independent claim 1. Thus, Applicants respectfully assert that the amended independent claims 8 and 13 are not obvious in view of the cited references of Gallagher, III et al., MacLellan et al. and/or Iijima. As such, Applicants respectfully request that the amended independent claims 8 and 13 be allowed as well.

B. Patentability of Dependent Claims 3-7, 9-12 and 14-16

Each of the dependent claims 3-7, 9-12 and 14-16 depends on one of the amended independent claims 1, 8 and 13. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,
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